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ORDINANCE NO. _____

AN ORDINANCE CREATING SECTIONS 9.03.010, 9.03.020, 9.03.030, 9.03.040, 9.03.050, 9.03.060, 9.03.070, 9.03.080, 9.03.090, 9.03.100, 9.03.110, 9.03.120, 9.03.130, 9.03.140, 9.03.150, 9.03.160, 9.03.170, 9.03.180, 9.03.190, 9.03.200, 9.03.210, 9.03.220, 9.03.230, 9.03.240, 9.03.250, 9.03.260, 9.03.270, 9.03.280, 9.03.290, 9.03.300, 9.03.310, 9.03.320, 9.03.330, 9.03.340, 9.03.350, 9.03.360, 9.03.370, 9.03.380, 9.03.390, 9.03.400, 9.03.410, 9.03.420, 9.03.430, 9.03.440, 9.03.450, 9.03.460, 9.03.470, 9.03.480, 9.03.490, 9.03.500, 9.03.510, 9.03.520, 9.03.530, AND 9.03.540 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO PARK RULES AND REGULATIONS, AND REPEALING CHAPTER 9.04 REGARDING CONDUCT IN PARKS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 9.03.010 of the Code of the City of Wichita, Kansas, is created to read as follows:

"Definitions. The following words and phrases, whenever used in this Chapter, shall be defined as follows:

‘Amplified sound’ means sound projected and transmitted by electronic equipment, including amplifiers.

‘Amplified speech’ means speech projected and transmitted by electronic means.

‘Bicycle’ means every vehicle propelled by human power upon which any person may ride having two or more wheels, any of which is more than-fourteen

inches in diameter, but does not include any mobility device as defined by the Americans with Disabilities Act.

‘Board’ means the Board of Park Commissioners of the City of Wichita, Kansas.

‘Buildings’ means those structures or any portion thereof under the management of the Department of Park and Recreation of the City of Wichita.

‘Camp’ means to set up, or to remain in or at a campsite, for the purpose of remaining overnight, or establishing or maintaining a temporary place to live.

‘Campsite’ means any place where:

1. any bedding, sleeping bag, tarpaulin, cot, bed, hammock, cardboard, newspapers, or other sleeping matter is placed, established, set up, used or maintained; or

2. any stove, fire or cooking utensils or non-city designated cooking facilities which are placed, established, set up, used or maintained; or

3. any tent, hut, lean-to, shack, trailer camper, vehicle or any part thereof, or any other shelter or structure which is placed, established, set up, used or maintained.

‘Camp paraphernalia’ includes, but is not limited to: tarpaulins, cots, beds, sleeping bags, hammocks, cooking equipment, stoves, lanterns, tents, huts, lean-tos, shacks, trailer campers, vehicles or any part thereof, any other sleeping matter, or any other shelter or structure.

‘Chief of Police’ means the Chief of Police of the City or his or her designee.

‘City’ means the City of Wichita.

‘City Council’ means the City Council of the City of Wichita.

‘City Manager’ means the City Manager of the City of Wichita, or his or her designee.

‘Director’ means the Director of the City of Wichita Park and Recreation Department or his or her designee.

‘Facilities’ or ‘area’ means city-owned, board-owned or leased property, improved or unimproved parks and park amenities which are under the management of the Department of Park and Recreation of the City of Wichita.

‘Motorcycle’ means every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground.

‘Motor-driven cycle’ means every motorcycle, including every motor scooter, Segway, four-wheeler or moped, and every bicycle with a motor attached.

‘Motor vehicle’ means every vehicle which is self-propelled.

‘Motorized wheelchair’ means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

‘Park’ or ‘parking’ means the standing of a vehicle, whether occupied or not.

‘Park equipment’ means sporting equipment, bleachers, portable stages, landscaping equipment and other similar equipment utilized by the Department of Park and Recreation of the City of Wichita.

‘Park property’ means all grounds, roadways and land acquired and owned by the City, and all grounds, roadways and land owned by the Board of Park Commissioners of the City of Wichita, Kansas, which are designated for the use as a park or recreational facility by the City Council and are under the management of the Department of Park and Recreation of the City of Wichita.

‘Permit’ means a document that authorizes the use of parks, equipment or buildings as provided for and defined by this Chapter.

‘Persons’ means individuals, groups, organizations, associations, partnerships, firms and corporations.

‘Public right-of-way’ means the entire width of the area from property line to property line including that area between the roadway and the abutting private property line.

‘Recreational vehicle’ means a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motor. ‘Recreational vehicle’ shall include converted buses and motor homes.

‘Skateboard’ means a device for riding upon, either for sport or transportation, which is propelled by human power, consisting of an oblong piece

of rigid material mounted upon wheels or rollers, but excluding wagons, scooters, strollers, carts and toy vehicles.”

SECTION 2. Section 9.03.020 of the Code of the City of Wichita, Kansas, is created to read as follows:

"Authority and enforcement. (a) The City Council authorizes the Director, through the direction of the Board, to implement and administer the policies, ordinances and regulations contained in this Chapter. Whenever a power is granted to or a duty imposed on the Director, the powers may be exercised or the duty performed by a designated representative of the Director, unless this Chapter expressly provides otherwise. The Director, together with the Chief of Police or their designees, shall enforce the provisions of this Chapter.

(b) Violations of this Chapter are in addition to any other violation enumerated within the ordinances of the Code of the City of Wichita. This code in no way limits the penalties, actions or procedures which may be taken by the City for a violation of this chapter, which is also a violation of any other ordinance of the City or statute or law of the State of Kansas or the United States."

SECTION 3. Section 9.03.030 of the Code of the City of Wichita, Kansas, is created to read as follows:

"Right of Entry. The Director or Chief of Police, and/or their designees, may enter any park property, building or recreation facility, at any time, to inspect the premises for safety, compliance of use, hazards, or other reasons deemed necessary by the City."

SECTION 4. Section 9.03.040 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Powers of use and park closure. (a) Hours. Unless otherwise posted, or as provided for in this Chapter, the use of all park property and recreation facilities is prohibited, without a permit, from the hours of midnight to six a.m.

The hours for the downtown skate park will be from seven a.m. to nine p.m. unless a permit has been issued by the Director of Park and Recreation extending the hours of said park.

(b) Park Closure. The Director or his or her designee, may close park property or recreation facilities at any time there is an apparent danger to persons using the property or facility, or as necessary for the safety and protection of the public. It is unlawful to remain in an area closed by the Director or his or her designee.”

SECTION 5. Section 9.03.050 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Use of park equipment by non-city groups. Park equipment is provided for the express purpose of carrying out the functions of the City of Wichita and the Department of Park and Recreation. Requests received from non-city, local groups or organizations for the use of park equipment shall be made, in writing, to the City. Such requests may be granted by the Director provided that such use does not interfere with park operations. Appropriate fees may be charged

for use of such equipment as established by the Director with the approval of the City Manager.”

SECTION 6. Section 9.03.060 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Exceptions. The provisions of this Chapter do not apply to the operation of City-owned or operated vehicles or personnel who are engaged in official City business.”

SECTION 7. Section 9.03.070 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Use of parks, recreation centers, picnic facilities and athletic fields.

(a) Parks, recreation centers, reservable picnic facilities, athletic fields or park property are available for the use of persons and groups subject to the issuance of a permit and payment of rental fees. All applications for use must be signed by an adult eighteen (18) years of age or over who shall agree to be responsible for use of such facilities. No use permit shall be granted if there is a conflict with a prior reservation.

(b) Any request which will place a major impact on a given facility, park or park property may be subject to City Council review pursuant to Section 9.03.170. ‘Major impact’ is defined as any activity that impedes the normal use of more than one area of any facility, park or park property by members of the general public. All requests are subject to the priority ranking classifications contained in Section 9.03.100.

(c) Applications or permits are immediately revocable or subject to denial if: (1) false statements are made in reserving a facility, building, or park property, or (2) the individual or group knowingly violates any rule or regulation established by the Director or (3) fails to pay any required fees. Permit holders shall be responsible for the condition in which they leave park property. If park property has been damaged or abused beyond normal wear, permit holders shall be responsible for reasonable costs to replace, repair or clean such property.

(d) Persons or groups may use any designated reservable or nonreservable facility of any part of such facility on a first come, first serve basis. Such groups must vacate any reserved facility or area at the time a permit holder group arrives. Individual picnic tables are available on a first come, first serve basis in all nonreservable areas.

(e) No use permit shall be granted for any reservable field before eight a.m., nor after nine p.m., unless the park has appropriate lighting.

(f) City or park personnel will open and close buildings and may be on duty to supervise the use of the facility.”

SECTION 8. Section 9.03.080 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Permit Application. (a) The Director shall reserve the right to grant or deny all applications for the use of park property, recreation facilities or buildings within the City. Unless waived by the Director, all applications for use of park property, recreation facilities or buildings shall be signed by an adult

eighteen (18) years of age or over who shall be responsible for compliance with the terms of the permit.

(b) Requests for use shall be made a minimum of seven (7) days and a maximum of six months prior to the date of requested use.

(c) Denial of an application shall be based on the following criteria:

1. When a building, recreation facility or park property, with the required capacity for the proposed activity is not available;

2. Refusal by an applicant to agree, in writing, to the conditions of the permit;

3. Failure of an applicant to file an application in sufficient time for review;

4. Failure of an applicant to pay required fees;

5. Failure of an applicant to provide the required number of personnel to properly police and protect the activity and other users of the park property, facility or area due to the size or nature of proposed activity;

6. Filing of more than one application for the same park property, recreation facility or building at the same time. Under these circumstances, the Director will give consideration to the application first received and the schedule of priority classification;

7. When usage of park property, recreation facilities or buildings may damage, destroy or detract from city property and or cause

substantial harm, injury, discomfort or displeasure to the other persons in or near the park or park property;

8. A record or history of the applicant, permit holder or the event not complying with regulations of this Chapter or terms and conditions of permits previously issued to the applicant.”

SECTION 9. Section 9.03.090 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Liability. (a) All persons to whom a use permit is granted must agree, in writing, to hold the City harmless and indemnify the City from any and all liability for injury to persons or property occurring as the result of the activity sponsored by the permit holder. Permit holders shall be liable to the City for any and all damages to the park property, equipment and buildings which result from the activity of the permit holder or which is caused by any participant in said activity. A person exercising any of the privileges authorized by this Chapter does so at his or her own risk without liability on the part of the City for any injury to such persons or property resulting therefrom.

(b) When an association or organization requests the use of park property or facilities, or when the City is involved with scheduling and/or coordinating their activities, a certificate of co-insurance naming the City as an additional insured must be filed with the City five days prior to the first day of use of such facilities or property. The City may require proof of liability insurance with a limit of bodily injury and property damage of not less than five hundred thousand dollars (\$500,000.00) per occurrence and a minimum of fifty thousand dollars

(\$50,000.00) property damage coverage and a certificate of co-insurance for any group for activities which are not considered low risk.”

SECTION 10. Section 9.03.100 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Priority of use. (a) Use of park property, recreation facilities or buildings is based on the priority ranking as set forth in this Section. Groups ranked at a low priority may be subject to rescheduling with thirty (30) days written notice. In such event, the City will attempt to relocate the group to another recreation facility, building or park property.

(b) Group priority ranking, in order of preference, shall be as follows:

1. City of Wichita and City Park and Recreation Department sponsored activities;
2. Other governmental agency meetings open to the public;
3. Youth, family or adult community recreation activities open to the general public, sponsored or conducted by neighborhood, homeowners or other community organizations;
4. Groups conducting recreation activities open to only their own members (closed meetings);
5. Nonrecreation use, service organizational meetings, or restricted activities not open to the general public;
6. Non-profit organizations (§501(c)(3) corporations);
7. Religious, sectarian or political groups;

8. Out-of-city groups (fifty-one (51) percent of participants do not reside or work within the city limits).”

SECTION 11. Section 9.03.110 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Permit. (a) The application for a permit shall include, but not be limited to, the following information:

1. Name of the applicant, the sponsoring organization(s), and name of the person in charge of the proposed activity;
2. Address and telephone number of applicant(s);
3. Park property, recreation facility or building being applied for and the area involved;
4. Starting time of the proposed activity;
5. Finishing time of the proposed activity;
6. Number of persons expected;
7. Additional City personnel or items requested, such as tables, chairs, and associated equipment;
8. Nature of the proposed activity or activities, including equipment and vehicles to be brought onto the recreation facility, building or park property;
9. The duration and nature of any amplified sound;
10. The name of individual(s) or groups who will receive money collected and the purpose for the collection of such money. Funds

may only be collected by non-profit organizations pursuant to the provisions of Section 9.03.200;

11. Notice of requirement of certificate of insurance, if required.

(b) A permit issued, pursuant to this Chapter, is not transferable to another person or location. A change in sponsorship for an event or activity shall require that a new application and fee be submitted for approval to the Director.”

SECTION 12. Section 9.03.120 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Display of permits. All permits issued under this Chapter shall, upon request by any law enforcement officer or authorized representative of the Director, be displayed to them for viewing or verification.”

SECTION 13. Section 9.03.130 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Rental guidelines. (a) Minimum building or recreation facility rental periods are based on four-hour increments. The time indicated on the application will reflect the actual facility use time which includes setup, decoration and clean up. Additional time beyond the four-hour block will be charged on an hourly rate.

(b) Setup, breakdown and basic cleanup will be the responsibility of the group utilizing the facility or building.

(c) Permanent decorations or materials in any building, facility, or on any structure are prohibited unless approval is obtained from the Director or his or her designee.

SECTION 14. Section 9.03.140 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Revocation of permit. A permit may be revoked, if any terms or conditions of the permit are violated by the permit holder or any agent or employee of the permit holder. The permit may be revoked by the Director with written notice to the person or persons to whom the permit was issued.”

SECTION 15. Section 9.03.150 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Right of appeal. An applicant may appeal the decision of the Director or his or her designee regarding the denial or revocation of permits issued pursuant to this Chapter. The applicant must file such appeal through the following appeal process: first, to the City Manager; second and final appeal is made to the City Council.

(a) An applicant or permit holder may appeal a decision of the Director that either denies an application for a permit, or revokes a permit. Such initial appeal shall be to the City Manager. The appeal must be filed, in writing, with the City Manager within ten (10) days from the date the notice of denial or revocation, was mailed or hand-delivered to the applicant or permit holder. The City Manager shall review the appeal and render a decision no later than ten (10) days after receipt of the appeal.

(b) An applicant or permit holder may appeal the decision of the City Manager. Such second and final appeal shall be to the City Council. The appeal must be filed in writing with the City Clerk within ten (10) days from the date the notice of the City Manager's decision was mailed or hand delivered to the applicant or permit holder. The City Council shall conduct the hearing as soon as practical following the submittal of the appeal request and in accordance with City Council Agenda Process guidelines or procedures established by the City Manager."

SECTION 16. Section 9.03.160 of the Code of the City of Wichita, Kansas, is created to read as follows:

"Fees and deposits. (a) Fees and deposits may be levied to offset City expenses incurred in providing services. Basic rates for use of park property, recreation facilities and buildings are established by the Director of Park and Recreation with the approval of the City Manager. The schedule of fees shall be published by the Director.

The Director of Park and Recreation may waive or reduce fees and deposits if:

1. The applicant is another governmental entity or City department or division;
2. The applicant qualifies as a 501(c)(3) corporation and the event or activity benefits the community;
3. The proposed event is being sponsored by the City of Wichita or Park and Recreation Department.

(b) Any waiver of fees which exceed five hundred dollars (\$500.00) shall be approved by the City Manager.

(c) Fees are non-refundable for use of park property and facilities.

(d) Any appeal of the denial by the Director of Park and Recreation to waive or reduce fees shall be taken by the applicant pursuant to Section 9.03.150.”

SECTION 17. Section 9.03.170 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Approval – Major Impact Activities. (a) Applications for activities which will cause a major impact on the use of a park or park facility may be reviewed by the City Council.

(b) The City Council, upon request of an applicant for an activity which will cause a major impact on a park or park facilities, may approve such activity including the closure of a park or park facility, and the charging of admission for such activity. In determining if the exclusive use of a park, park area or facility should be granted, the Council will consider the factors set forth in Section 9.03.080 and the following:

1. The event will not obstruct the operation of emergency vehicles or equipment in or through the particular permit area;
2. The proposed event does not present a safety, noise, or traffic hazard;

3. The proposed event conforms to regulations regarding the use or allowable number of participants for the proposed venue, location, or site;

4. The proposed event does not violate any provisions of the Code of the City of Wichita, the laws of the State of Kansas or the laws of the United States; and

5. If the event requires the closure of public streets, such street closures have been approved by the City Council.

In deciding whether to approve an application, no consideration may be given to the message of the event, the content of speech, the identity or associational relationships of the applicant, or to any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event.”

SECTION 18. Section 9.03.180 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Security. To ensure proper use and control of park property, recreation facilities and equipment, a security guard may be required when an event is the major use of a park or park facility. Additional security measures may be required to protect the general public and city property. Such costs for additional security shall be paid for by the permit holder.”

SECTION 19. Section 9.03.190 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Damage to buildings, facilities and equipment. Individuals or groups causing damage to any park property, building, grounds, fixtures, furniture or appurtenances shall be required to reimburse the City for all costs involved to restore the park property, building, grounds, fixtures, furniture or appurtenance to its original condition. Such individuals or groups shall be subject to refusal of use of such park property or facilities in the future.”

SECTION 20. Section 9.03.200 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Sales for profit and solicitation. (a) No person shall use any park property, recreation facility or building thereof for the primary purpose of advertising the sale of any product, goods, wares, merchandise, services or event that is designed to be held purely for private profit.

(b) The Director may authorize the issuance of permits, on an annual basis, for trades, occupations, businesses or professions which are compatible with usual park activities and uses, are for the benefit to the park patrons, and do not conflict with established park concessions. The Director shall charge a set fee or percentage of sale, to be approved by the City Manager for the issuance of such permits.

(c) A person shall not solicit in any manner, or offer for sale any goods, wares or merchandise, or give or distribute handbills, advertising materials or literature except under the following conditions:

1. When a concession is operating under a lease or contract authorized by the City Council; or

2. When the park, park property or recreation facility, or any portion thereof, is the location for a special event, which will not in any way detract from the use of the park property by the general public and the proceeds are used for charitable purposes.”

SECTION 21. Section 9.03.210 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Parades. It is unlawful for any person or persons to hold or stage any parade in or upon any streets or on park property without first applying for and acquiring a permit to do so from the City of Wichita, which permit shall be issued in accordance with Chapter 3.13 of this Code.”

SECTION 22. Section 9.03.220 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Distribution of advertising material. (a) Except as otherwise provided, it is unlawful for any person, to post, distribute, display or exhibit signs, pictures, advertisements, circulars, handbills or any other written, drawn or printed material on any of the parks, playgrounds, golf courses, buildings or recreation facility or upon any other park property.

(b) Notwithstanding the provisions of subsection (a), any person or persons lawfully meeting in the parks, buildings, recreation facilities or on other park property, may post or distribute noncommercial written or printed material

among the members of the group and only to the members and in the immediate area occupied by the group.

(c) It is the responsibility of the group or permit holder, before leaving the building, recreation facility or park property, to pick up and dispose of all litter and written materials resulting from the distribution of the written material.”

SECTION 23. Section 9.03.230 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Injuring property or removing equipment. (a) It is unlawful for any person to mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, statues, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal, on any park property or recreation facilities.

(b) The provisions of subsection (a) shall not prohibit any person or persons from moving any portable table or bench, which has been placed in the park for use by the public, to an adjoining or nearby table within the immediate location of the temporary table or bench. No temporary table or bench shall be moved from its original location in such a manner that it is disassociated from the use and the area for which it was first placed in the park.”

SECTION 24. Section 9.03.240 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Overnight camping prohibited. (a) It is unlawful for a person or group to camp on park property without a permit. The Director, or his or her designee, may issue a temporary permit to allow camping on park property, or storage of personal property on park property in connection with a special event. A special event includes, but is not limited to: programs operated by the departments of the City, youth or school events, marathons or other sporting events, scouting activities, and historical reenactments.

(b) If the Director or his or her designee determines that the operation or maintenance of any temporary camp or campsite or storage of personal property will in no way jeopardize the public health, safety or welfare, a temporary permit may be issued. The Director may make rules and regulations pertaining to the establishment, operation or conduct of such camping activities.

(c) The Director or his or her designee may revoke any temporary permit issued pursuant to this section, if the Director or his or her designee determines that the maintenance or continued operation of the camp or campsite or the storage of personal property is adverse to the public health, safety and welfare.

(d) The overnight parking of trailers, campers, or motor homes is prohibited on park property.”

SECTION 25. Section 9.03.250 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Storage of personal property on park property prohibited. It is unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, in or upon any park property.”

SECTION 26. Section 9.03.260 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Fire. (a) Open fires on park property are prohibited.

(b) Fires may be built in ovens, stoves, portable grills or other facilities designed and posted for that purpose. All such fires shall be extinguished before leaving the area. Fires may be prohibited entirely, as a protective measure, when ordered by designated authorities, including but not limited to: the City of Wichita Fire Department, County Fire Marshall, or State Fire Marshall.

(c) Charcoal briquettes, wood or other materials used for fire or cooking purposes shall be extinguished before being deposited in designated and posted areas or trash containers. No hot or burning coals or materials of any kind shall be dumped or deposited on the grass.”

SECTION 27. Section 9.03.270 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Fishing. (a) Fishing shall be permitted in areas that have been properly marked and posted with signs indicating that this activity is allowed.

(b) It is unlawful for any person to fish from the following areas:

Second Street Bridge
Douglas Avenue Bridge
Lewis Street Bridge
Nims Street Bridge
Murdock Street Bridge

(c) The Director has the express authority to prohibit fishing in other areas, after proper notification, due to health or safety concerns.”

SECTION 28. Section 9.03.280 of the Code of the City of Wichita, Kansas, is created to read as follows:

“**Horseback Riding.** Horseback riding shall be permitted only in posted designated areas.”

SECTION 29. Section 9.03.290 of the Code of the City of Wichita, Kansas, is created to read as follows:

“**Swimming, Bathing, Wading.** Swimming, bathing, or wading is permitted in posted designated areas, designated interactive play fountains and public pools. Pets or animals are not permitted in such designated areas, unless approved as a special event. Unless otherwise posted or designated as a special event, swimming or bathing is prohibited in public fountains, non-interactive water features, ponds, lakes, rivers or waterways in parks or on park property.”

SECTION 30. Section 9.03.300 of the Code of the City of Wichita, Kansas, is created to read as follows:

“**Amplified sound.** Amplified sound, whether for speech, music, or otherwise, is prohibited without first obtaining a permit from the Director.”

SECTION 31. Section 9.03.310 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Hot air balloons, hang gliders, sky divers. Except in the case of an emergency, the operation or landing of hot air balloons, hang gliders and sky divers is prohibited on park property without first obtaining a permit from the Director.”

SECTION 32. Section 9.03.320 of the Code of the City of Wichita, Kansas, is created as follows:

“Model airplanes, boats, cars or model rockets. The operation of motor-driven airplanes, boats, cars or model rockets is prohibited on park property except in designated areas.”

SECTION 33. Section 9.03.330 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Golf. The use of golf clubs for playing or practicing is prohibited on park property except in designated areas.”

SECTION 34. Section 9.03.340 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Archery. Archery shall be permitted only in posted designated areas on park property.”

SECTION 35. Section 9.03.350 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Hunting, tormenting, feeding or abusing animals. (a) It is unlawful for any person to hunt, torment or abuse any animal or bird in any public parks, recreation facilities or other park property.

(b) It is unlawful for any person to feed a wild animal or bird in any area in which such feeding has been prohibited by signs placed by the Director.”

SECTION 36. Section 9.03.360 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Going onto ice. It is unlawful for any person to go onto the ice on any pool, pond, river or waterway in or adjacent to any building, recreation facility or other park property, except for ice skating or other similar activity, at times and places authorized by the Director.”

SECTION 37. Section 9.03.370 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Dumping. Dumping rocks, soil, grass clippings, branches, leaves, equipment, vehicles, furniture, furnishings or accessories, or any other item or material onto park property is prohibited.”

SECTION 38. Section 9.03.380 of the Code of the City of Wichita, Kansas is created to read as follows:

“Trespassing. Trespassing into areas designated “No Trespassing” is prohibited. This includes, but is not limited to: rooms in buildings or recreational facilities, swimming pools during specific posted hours, fenced

control areas such as storage areas, shop areas, holding areas, construction sites, and all other areas posted for protection of property, health, safety or welfare or where bodily injuries or damage to equipment, fixtures, accessories or property may occur.”

SECTION 39. Section 9.03.390 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Animals and Dog Parks. (a) Unless within a designated dog park, dogs are prohibited on park property unless kept on a leash at all times and under full control of the owner. The removal of feces of animals who defecate on park property is required of the owner or custodian of said animal.

(b) The Director of Park and Recreation or his or her designee may ban dogs or other animals or a specific dog or other animal from areas of any park where he or she determines the animal to be a nuisance.

(c) The regulations established in Section 6.04.218 of the Code of the City of Wichita govern the conduct of users of designated dog parks and off-leash areas.”

SECTION 40. Section 9.03.400 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Motor vehicles and parking. It is unlawful for any person to operate or park motor vehicles, motorcycles or motor-driven cycles on park property except on designated roadways or within designated areas. Such vehicles shall not be operated on designated bicycle, hiking or walking paths.

The prohibitions of this section shall not be applicable to motorized wheelchairs.”

SECTION 41. Section 9.03.410 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Bicycling. Bicycling shall be permitted only on designated bike paths and in designated areas.”

SECTION 42. Section 9.03.420 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Posted property. Motor vehicles shall not be operated over roads which are posted against public use or provided with closed gates. Motor vehicles shall not be operated over bicycle, hiking, walking or horse riding trails.”

SECTION 43. Section 9.03.430 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Use of playgrounds and equipment. (a) It is unlawful for any person over the age of fourteen years of age to occupy or use playgrounds and playground equipment designed and intended for the use of children which deprives or prevents the use of such equipment by children. Any person who, after having been advised by any law enforcement officer or authorized representative of the Director, to cease and desist such use or occupancy, refuses or neglects to do so is guilty of a violation of this Chapter.

(b) No person shall use or occupy playgrounds or playground equipment other than for the purposes intended. Any person who, after having

been advised by any law enforcement officer or authorized representative of the Director to cease and desist such use or occupancy, refuses or neglects to do so is guilty of a violation of this Chapter.

(c) The provisions of subsections (a) and (b) shall not apply to any parent, relative, guardian or person in lawful custody of a child who is participating with the child in the lawful use of the playground facilities in the use or occupancy of the playground and playground equipment or areas.”

SECTION 44. Section 9.03.440 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Community Events in Parks. In addition to the requirements of this Chapter, it is unlawful for any person to hold a community event, as defined by Section 3.11.020 of the Code of the City of Wichita, in or upon any park, recreation facility or other park property without first obtaining a community event permit.”

SECTION 45. Section 9.03.450 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Flora and turf. It is unlawful for any person to remove or injure any form of plant life from park property, including the removal of wood, turf, grass, soil, rock, sand and gravel, except by a duly authorized city or park employee or authorized contractor in the performance of his/her duties or unless specifically authorized by the Director.”

SECTION 46. Section 9.03.460 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Sanitation, trash, rubbish and related matters. It is unlawful for any person in any park, recreation facility or other park property to:

(a) Throw, discharge, place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park, recreation facility or other park property or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the water;

(b) Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash, in any park, recreational facility or other park property except in proper receptacles where these are provided;

(c) Glass bottles are prohibited on all park property.”

SECTION 47. Section 9.03.470 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Firearms and weapons. It is unlawful for any person to possess or discharge a firearm, air gun, or slingshot on park property.”

SECTION 48. Section 9.03.480 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Fireworks and dangerous objects. It is unlawful for any person to possess or ignite firecrackers, rockets, torpedoes or fireworks on park property

unless a permit has been issued by the Director, and the fireworks display is approved by the Wichita Fire Chief.”

SECTION 49. Section 9.03.490 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Skate park rules and regulations. The following rules and regulations shall apply to the riding of skateboards on park property:

Within a skate park, it shall be unlawful for any person to:

- (a) Ride, operate, or use a skateboard unless that person is wearing a helmet designed for skateboarding with a chin strap, elbow pads designed for skateboarding with plastic elbow caps, and knee pads designed for skateboarding with plastic knee caps, which equipment shall be in good repair at all times during use.
- (b) Ride, operate, or utilize a skateboard unless such equipment is in good repair at all times during use.
- (c) Be on or use an individual apparatus within the skate park while another person is using it.
- (d) Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park.
- (e) Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of skateboarders.
- (f) Enter the skate park while under the influence of alcoholic beverages or drugs.

(g) Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying) or any activity which could endanger the safety of persons using the skate park or spectators.

(h) Engage in graffiti, tagging, or other defacing of park property or the property of others.

(i) Ride, operate, or utilize any device other than a skateboard, in-line skates or BMX bicycle (prohibited devices include, but are not limited to, motor vehicles, motorcycles, motor driven vehicles, motorized skateboards, motorized scooters and motorized skates) in or on skate park apparatus.

(j) Enter into a skate park while such park is closed.

(k) Stunts, tricks or luge skateboarding are:

1. Prohibited in the picnic areas, parking lots, curbs, and surrounding areas of the skate park.

2. Permitted in the skating area only.”

SECTION 50. Section 9.03.500 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Possession and Consumption of Alcoholic Liquor’s and Cereal Malt Beverage. The consumption and possession of alcoholic liquor or cereal malt beverages on park property shall be in compliance with the provisions of Chapters 4.04, 4.12 and 4.16 of the Code of the City of Wichita”.

SECTION 51. Section 9.03.510 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Interference. No person shall use, attempt to use or interfere with the use of any facility, building or park property which is reserved for another person or group holding a permit issued from the Director.”

SECTION 52. Section 9.03.520 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Additional Policies. The Director is hereby authorized to establish additional policies, which are not inconsistent with the provisions of this Chapter.

Such policies shall be posted at properties subject to such regulations. Copies of such regulations shall be available at the Office of the Director during regular office hours.”

SECTION 53. Section 9.03.530 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Exclusion from city areas or facilities. When, in the interest of public health, safety or welfare, persons or groups may be excluded by the Director or his/her designee from any park property and or park facility. An order excluding persons or groups may be appealed pursuant to the provisions set forth in Section 9.03.150.”

SECTION 54. Section 9.03.540 of the Code of the City of Wichita, Kansas, is created to read as follows:

“Violation--Penalty. (a) It is a misdemeanor for any person to knowingly and willfully violate any provision of this Chapter.

(b) Every person who is convicted of violating the provisions of this Chapter may be punished by a fine of not more than five hundred dollars (\$500.00).”

SECTION 55. The provisions of Chapter 9.04 of the Code of the City of Wichita are hereby repealed.

SECTION 56. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2010.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law